



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

Public Notice

Proposed Amendment #2, GP-11-SW

Construction Activities Allowable in Critical Area Stormwater Management Ponds

SC DHEC – OCRM is proposing to amend this general permit. Amendments include general language clarifications, changes to Special Condition Section #3, Docks, and an additional Special Condition Section #4, Aeration Devices.

A copy of the proposed amendment is attached to this public notice. Written comments will be received on the proposed general permit until December 25, 2013. Comments should be sent to:

**SC DHEC OCRM
Attn: Blair Williams, Wetland Section Manager
1362 McMillan Ave, Suite 400
Charleston, SC 29405**

November 25, 2013

South Carolina Department of Health and Environmental Control
Division of Ocean and Coastal Resource Management

General Permit – Critical Area Stormwater Management Ponds, Amended #2

Permittee: General Public – State of South Carolina

Permit Number: GP-11-SW

Date of Issuance: October 15, 2011

Expiration Date: October 15, 2016

Location: Existing Critical Area Stormwater Management Ponds within the Coastal Counties of Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, and Jasper.

This permit is issued under the provisions of Act 123 of the 1977 South Carolina General Assembly and the Final Rules and Regulations of the South Carolina Department of Health and Environmental Control –Division of Ocean and Coastal Resource Management. Please Carefully Read the project description and any special conditions which appear on this permit because they will affect the work that is allowed.

Description of Project: Construction of pedestrian bridges & road crossings, erosion control measures, docks and aerators, as conditioned:

Special Conditions:

1. Provided that the work is constructed in accordance with Attachment "A".

PERMITTEE'S ATTENTION IS DIRECTED TO GENERAL CONDITIONS NUMBERS FOUR (4) AND FIVE (5). BY ACCEPTANCE OF THIS PERMIT, PERMITTEE IS PLACED ON NOTICE THAT THE STATE OF SOUTH CAROLINA, BY ISSUING THIS PERMIT, DOES NOT WAIVE ITS RIGHTS TO REQUIRE PAYMENT OF A REASONABLE FEE FOR USE OF STATE LANDS AT A FUTURE DATE IF SO DIRECTED BY STATUTE.

AN APPLICANT UTILIZING THIS GENERAL PERMIT HEREBY AGREES TO ABIDE BY THE TERMS AND CONDITIONS OF THE GENERAL PERMIT AND TO PERFORM THE WORK IN STRICT ACCORDANCE WITH THE PLANS AND SPECIFICATIONS AS APPROVED BY THE AGENCY PERMITTING AUTHORITY. ANY DEVIATION FROM THESE CONDITIONS AND TERMS OF THIS GENERAL PERMIT OR THE PLANS AND SPECIFICATIONS OF THE PERMIT AS ISSUED SHALL BE GROUNDS FOR REVOCATION, SUSPENSION, OR MODIFICATION OF THIS GENERAL PERMIT AND THE INITIATION OF SUCH LEGAL PROCEEDINGS AS THE DHEC MAY CONSIDER APPROPRIATE.

GP-11-SW

Issued: October 15, 2011, Amended #2 on XXXXX

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Permittee

Date

This permit is effective when the State official, designated to act for the Office of Ocean and Coastal Resource Management, has signed below.

Blair Williams

Manager, Wetland Section

Date

South Carolina Department of Health and Environmental Control
Division of Ocean and Coastal Resource Management

General Permit – Critical Area Stormwater Management Ponds

GP-11-SW, As amended - #2

Attachment A

Work: Construction of pedestrian bridges & road crossings, erosion control measures, docks, and aerators as conditioned below.

Where: Existing Critical Area Stormwater Management Ponds within the Coastal Counties of Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, and Jasper

Special Conditions:

1. Bridges:
 - A. No fill may be placed within the critical area
 - B. Pedestrian or golf cart bridges must be limited to a maximum 10' width and must be elevated at least six feet above mean high water
 - C. Final design and location must be submitted in writing and approved by DHEC OCRM staff
2. Erosion Control Measures:
 - A. Bulkheads must be placed within 18'' of the erosional scarp as it exists at the time of construction
 - B. Only clean fill earthen material is used.
 - C. Revetments must not be placed over wetland vegetation, but are placed at the existing escarpment and must not exceed 2:1 slope
 - D. Final Design and location must be submitted in writing and approved by DHEC OCRM staff and DHEC OCRM staff must be notified as to erosion control installation
3. Aeration Devices:
 - A. The purpose of the aeration systems is to improve water quality in existing stormwater ponds.
 - B. A detailed plan is submitted showing proposed location, design, and operations and maintenance of the proposed system. The Department may require additional information on water quality status at the time of submittal.
 - C. Written approval from the pond owner and/or homeowners association, as applicable, must be included with the general permit request.

4. Docks:

- A. Docks and piers shall be constructed in a manner that does not restrict water flow
 - B. The size and extension of a dock or pier must be limited to that which is reasonable for the intended use
 - C. Docks and piers should use the least environmentally damaging alignment
 - D. All applications for docks and piers should accurately illustrate the alignment of property boundaries with adjacent owners and show the distance of the proposed dock from such extended property boundaries. For the purpose of this section, the extension of these boundaries will be an extension of the high ground property line. The Department may consider an alternative alignment if site specific characteristics warrant
 - E. Walkways leading to the dock or pier should be elevated at least three feet above mean high water
 - F. Project proposals shall include facilities for the proper handling of litter, waste, refuse and petroleum products, where applicable
 - G. Docks cannot be enclosed by walls or screens
 - H. Docks longer than 1,000 feet over critical area are prohibited. This is inclusive of pierheads, floats, boatlifts, ramps, mooring pilings and other associated structures
 - I. Handrails, if proposed, shall be limited to a maximum height of 36" above the walkway or pierhead decking
 - J. No docks, pierheads or other associated structures will be permitted closer than 20 feet from extended property lines with the exception of joint use docks shared by two adjoining property owners. However, the Department may allow construction closer than 20 feet or over extended property lines where there is no material harm to the policies of the Act
 - K. Storage on docks will be limited to a bench-like locker no larger than 3 feet high, by 3 feet deep, by eight feet long
 - L. Walkways leading to a dock or pier shall not exceed 4 feet in width. For handicapped access, the Department may utilize The Americans with Disabilities Act (ADA) recommendations for walkway width and other structural configurations. Reference 28 CFR Part 36
 - M. Roofs are not allowed under this general permit
5. Before anyone can avail themselves of this permit, a detailed management plan for the stormwater ponds must be submitted in writing to OCRM for approval. This plan must address such things as vegetation control, measures to include good water quality, and emergency procedures for drawdowns.
6. The permittee must notify SC DHEC – OCRM, in writing, within 10 days of completion of work.
7. The permittee must restore all disturbed Critical Area(s) to their original contours and conditions, no longer than 15 days of completion of work.
8. SC DHEC - OCRM reserves the right to require an individual permit, if, in its determination, conditions warrant.

GENERAL CONDITIONS:

This construction and use permit is expressly contingent upon the following conditions which are binding on the permittee:

1. That the permittee, in accepting this permit, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save the South Carolina Coastal OCRM and the State of South Carolina, its employees or representatives, harmless from all claims of damage arising out of operations conducted pursuant to this permit.
2. That if the activity authorized herein is not constructed or completed within **one year** of the date of issuance, this permit shall automatically expire.
3. That all authorized work shall be conducted in a manner that minimizes any adverse impact on fish, wildlife and water quality.
4. That this permit does not relieve the permittee from the requirements of obtaining a permit from the U. S. Army Corps of Engineers or any other applicable federal agency, nor from the necessity of complying with all applicable local laws, ordinances, and zoning regulations. This permit is granted subject to the rights of the State of South Carolina in the navigable waters and shall be subject, further to all rights held by the State of South Carolina under the public trust doctrine as well as any other right the State may have in the waters and submerged lands of the coast.
5. That this permit does not convey, expressly or impliedly, any property rights in real estate or material nor any exclusive privileges; nor does it authorize the permittee to alienate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public; nor shall this permit be interpreted as appropriating public properties for private use.
6. That the permittee shall permit the OCRM or its authorized agents or representatives to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed is in accordance with the terms and conditions of this permit.
7. That any abandonment of the permitted activity will require restoration of the area to a satisfactory condition as determined by the OCRM.
8. That this permit may not be transferred to a third party without prior written notice to the OCRM, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferred subscribing to this permit and thereby agreeing to comply.
9. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and special signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
10. That the permit placard or a copy of the placard shall be posted in a conspicuous place at the project site during the entire period of work.
11. That the structure or work authorized herein shall be in accordance with the plans and drawing attached hereto, and shall be maintained in good condition. Failure to build in accordance with the plans and drawings attached hereto, or failure to maintain the structure in good condition shall result in the revocation of this permit.

12. That the authorization for activities or structures herein constitutes a revocable license. The OCRM may require the permittee to modify activities or remove structures authorized herein if it is determined by the OCRM that such activity or structures violates the public's health, safety, or welfare, or if any activity is inconsistent with the public trust doctrine. Modification or removal under this condition shall be ordered only after reasonable notice stating the reasons therefore and provision to the permittee of the opportunity to respond in writing. When the Permittee is notified that OCRM intends to revoke the permit, Permittee agrees to immediately stop work pending resolution of the revocation.
13. That the OCRM shall have the right to revoke, suspend, or modify this permit in the event it is determined the permitted structure (1) significantly impacts the public health, safety and welfare, and/or is violation of Section 48-39-150, (2) adversely impacts public rights, (3) that the information and data which the permittee or any other agencies have provided in connection with the permit application is either false, incomplete or inaccurate, or (4) that the activity is not in compliance with the drawings submitted by the applicant. That the permittee, upon receipt of the Coastal OCRM's written intent to revoke, suspend, or modify the permit has the right to a hearing. Prior to revocation, suspension, or modification of this permit, the OCRM shall provide written notification of intent to revoke to the permittee, and permittee can respond with a written explanation to the OCRM. (South Carolina Code Section 1-023-370 shall govern the procedure for revocation, suspension or modification herein described).
14. That any modification, suspension or revocation of this permit shall not be the basis of any claim for damages against the OCRM or the State of South Carolina or any employee, agent, or representative of the Coastal OCRM or the State of South Carolina.
15. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to applicable federal, state and local laws.
16. That extreme care shall be exercised to prevent any adverse or undesirable effects from this work on the property of other. This permit authorizes no invasion of adjacent of private property, and OCRM assumes no responsibility or liability from any claims of damage arising out of any operations conducted by the permittee pursuant to this permit.